



*Women Lawyers Association
of Michigan Foundation*

... dedicated to women's education since 1983

www.wlamfoundation.org

January, 2002

2002 Fundraising Campaign Launched with Major Gifts from Ford Motor Company, Howard & Howard Community Development Fund

The Women Lawyers Association of Michigan Foundation has launched its 2002 "Dean's List" Fundraising Campaign, contacting law firms, corporations and individuals who have given so generously in prior campaigns. Contributions support the financial awards made each year to outstanding women law students, chosen on the basis of demonstrated leadership on and commitment to women's issues. This year, the Foundation will award \$16,000 to ten women law students attending Michigan's five accredited law schools, thanks to the commitments made by donors.

The 2002 Dean's List Campaign began with two exceptional donations: Ford Motor Company has shown its support for women's education with a check for \$24,000, and the Howard & Howard Community Development Fund has committed \$2,500 for a student attending the University of Detroit Mercy Law School. Both Ford and Howard & Howard are repeat donors, making annual gifts to the Foundation. Their generosity and commitment makes a real difference not only to the program, but to the individual women receiving the awards. Many have remarked that the awards provide not only financial support, much needed, but also more "spiritual" support and recognition for work often unrecognized.

Donors are welcome to contribute at various levels, to join the Dean's List:

Summa Cum Laude	\$2,500 or more
Magna Cum Laude	\$1,000 - \$2,499
Cum Laude	\$ 750 - \$ 999
Honor Roll	\$ 500 - \$ 749
Good Citizenship	\$ 100 - \$ 499

Donors making a commitment to contribute \$2,500 annually for three or more years will receive special recognition, through the naming of an award in their honor. Donors may use the contribution form appearing in this newsletter, or the Dean's List form appearing on the Foundation's web site, www.wlamfoundation.org.

Members of the 2002 Dean's List will be recognized at the Art & Awards Reception scheduled for March 21, 2002, from 5:00 to 7:30 p.m., at Wayne State University's new Partrich Auditorium and Atrium. Wayne Law School has donated not only the event space, but also adjacent parking. Paula M. Talarico, a Foundation Trustee and Troy attorney, has generously donated refreshments. A brief program at 6:00 p.m. will recognize both Dean's List donors and Law Student Awardees.

Artists Contribute to Foundation, Too

Attendees of the Foundation's Art & Awards Reception who purchase art should know that their purchases support the Foundation's scholarship program. Each of the participating artists donates a portions of sales proceeds, making them generous donors, as well.

The artists featured this year are those we've enjoyed for years, and many are attorneys who have extraordinary talent. We are pleased to feature in the 2002 Event these artists:

Kara Laramie
Barbara Wynder, attorney
Brian Zubel, attorney
Lori Zurvalec, attorney

Attorney Stephanie Miesel also will participate, through her donation of a special weaving, which will be auctioned during the event. Works of Zubel and Zurvalec are featured on the Foundation's web site, www.wlamfoundation.org.

Honorary Gifts to the Foundation

The Foundation received generous gifts in honor of the following persons and events:

In Honor of Joseph Stewart, by Dawn Van Hoek:

With respect for his excellent representation of his client, a domestic violence victim, in Alexander v Alexander (see separate "Creative Lawyering" article).

Date Change for Art & Awards Reception: March 21, 2002

While we previously published March 15th as the date for the Foundation's 2002 Art & Awards Reception, the date has been changed to **March 21, 2002**. Please make a note and plan to attend! An expanded announcement appears separately, with more information.

Contribution Form Women Lawyers Association of Michigan Foundation

Your contribution is a way to recognize and honor special people and events. If you wish publication of the reason for your contribution, please provide it here:

Contribution in honor of:

[please provide name or other details]

Donation amount: _____

Your name and address:

Honoree's name and address [so that we can acknowledge your gift]:

**Contributions to the Foundation
are tax-deductible.**

**If you wish to charge your contribution,
please call 1-800-654-5959.**

Please send this form and your check to:

WLAM Foundation
645 Griswold
3300 Penobscot Building
Detroit, MI 48226



Newsletter Contact
Dawn Van Hoek, dvanhoek@interramp.com

Creative Lawyering Benefits Victim

The Women Lawyers of Michigan Foundation supports legal education for women in Michigan by way of its scholarship funds. Last year, ten women from five law schools each received \$1500 toward their law school education. In its dedication to education, the WLAM Foundation also likes to highlight important case law, and recognize the attorneys who use law to improve the delivery of justice for women throughout the state.

The recent case of Alexander v Alexander, Lawyers Weekly No. 39654 (2000), has offered divorce lawyers who have a client who has been severely abused by their spouse, an option of combining an award for domestic violence with a divorce settlement in the divorce proceeding.

In Alexander, Minor Alexander (Husband) filed a divorce action against Diane Alexander (Wife) in 1999. During the divorce proceeding, it was discovered that Husband had severely abused Wife more than eight times throughout the couple's four-year marriage, causing serious injury more than once, as well as permanent injury. Upon this discovery, Wife's Attorney, Joseph Stewart, used the case of Gubin v Lodisey, 197 Mich App 84 (1993), to combine a domestic violence claim with the divorce settlement, resulting in a damages award of more than \$150,000 that was allocated and awarded as property and spousal support.

In Gubin, the court found that the wife did not need to file a separate civil action for fraud when the fraud was "so intimately involved with the marriage contract that it could not be separated," [wife claimed husband fraudulently induced her to marry in order to gain lawful residency in the United States]. The court stated that it would be an "inefficient allocation of judicial resources" to do otherwise, and that any relief granted from the fraud claim should be in the form of "alimony, alimony in gross or property," and not awarded separately. The husband, in opposing the judgment, argued the combination of the two claims should be dependent upon the husband's ability to pay, which the Gubin Court found to be without merit.

Similarly, in the Alexander case, Wayne Circuit Judge J. William Callahan analyzed the facts and found that a claim for domestic violence would also be "so intimately connected to the marriage itself that it cannot be readily separated." Upon finding the two cases consistent, Judge Callahan considered the \$150,000 award as property, and awarded the Wife \$100 a week for life, the family vehicle, and an amount

equal to \$75,000 from the Husband's interest in pensions and 401k plans.

While not all attorneys around the state agree with the method of combining a civil claim with a divorce settlement, Judge Callahan felt the family law judge is in the best position to make decisions regarding tort damages that occur within the context of the marriage, with the result one that is more fair and efficient for both the parties and the courts.

In all, an attorney should proceed with caution when considering the idea of combining a civil tort claim and a divorce settlement in a divorce proceeding. Opponents of the combination have raised due process issues and exempt property issues, both of which were summarily rejected in the above case due to strong evidence that supported extremely compelling facts. The controversy notwithstanding, WLAM salutes **Joseph Stewart** for his persuasive and astute lawyering on behalf of a victim of domestic violence.

**By Paula M. Talarico,
WLAM Foundation Trustee**

A copy of the Alexander opinion appears in the "News" section of the WLAM Foundation's web site, www.wlamfoundation.org.

Record Number of Award Applicants

Michigan's five accredited law schools received a record number of applications for the 2002 WLAM Foundation awards, which will be announced at the Foundation's Art & Awards Reception on March 21st. Nearly 100 women competed for the awards, given to law students who have demonstrated leadership on and commitment to the advancement of women in society. A total of \$16,000 will be awarded to ten outstanding women law students, for application to law school tuition costs.

Awardees will attend the Foundation's March 21st Reception, and their introduction to attendees is always an inspiration. A brief program will take place at 6:00, preceded and followed by the Foundation's Art Sale.

WOMEN LAWYERS ASSOCIATION OF MICHIGAN FOUNDATION

Invites you to a Sale and Reception:

ART AND AWARDS

Honoring the 2002 Law Student Scholarship Awardees and
Contributors to the Foundation's Scholarship Fund

Thursday, March 21, 2002

5:00 – 7:30 p.m.

Brief Program at 6:00

Hosted by the WLAM Foundation and
the Wayne State University Law School
at the Spencer M. Partrich Auditorium/Law School Atrium
471 West Palmer, Detroit
313-577-3937

Featuring Art Works for sale by:

LIVE WIRE BEAD CO. (Jewelry and more)

Attorney BARBARA WYNDER (Angel ceramics)

Attorney BRIAN ZUBEL (Pastels and Metal Works)

Attorney LORI ZURVALEC (Watercolors)

And:

A special weaving created and donated by Attorney STEPHANIE MIESEL

\$15 Donation

RSVP with payment no later than March 14 to: WLAM Foundation c/o Kathleen A. Lang, 500 Woodward Ave., Suite 4000, Detroit, MI 48226. Questions: 313-223-3771. Please make checks payable to the "WLAM Foundation."

Free limited parking available at McGregor parking lot adjacent to Auditorium and at nearby parking structure (both located at Cass & Palmer).